

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ARTHUR MARTINEZ,) Case No. CV 06-7131-DDP(RC)
)
 Petitioner,)
) ORDER ADOPTING REPORT AND
 vs.) RECOMMENDATION OF UNITED STATES
) MAGISTRATE JUDGE
 JOHN MARSHALL, WARDEN,)
)
 Respondent.)
 _____)

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the petition and other papers along with the attached Report and Recommendation of United States Magistrate Judge Rosalyn M. Chapman, as well as respondent's Objections, and has made a de novo determination.

IT IS ORDERED that (1) the Report and Recommendation is approved and adopted; (2) the Report and Recommendation is adopted as the findings of fact and conclusions of law herein; (3) the Court determines petitioner was denied due process of law when the Governor reversed the Board's 2004 grant of parole to him without "some evidence" in the record; (4) the Court determines the

1 California Supreme Court's decision determining the Governor's
2 reversal of petitioner's 2004 grant of parole did not deny
3 petitioner due process of law was an unreasonable application of
4 federal law, and Judgment shall be entered granting the petition for
5 writ of habeas corpus; and (5) the Board's 2004 grant of parole to
6 petitioner is reinstated, the California Department of Corrections
7 and Rehabilitation shall credit the time petitioner was incarcerated
8 beyond his 2004 release date towards petitioner's parole period, and
9 Judgment shall be entered accordingly.

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11 IT IS FURTHER ORDERED that the Clerk shall serve copies of
12 this Order, the Magistrate Judgment's Report and Recommendation
13 and Judgment by the United State mail on petitioner.

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15 DATED: _May 11, 2010_
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18 DEAN D. PREGERSON
UNITED STATES DISTRICT JUDGE

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